

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2004 MAY 26 P 12:05

KENNETH L. HUNT
Petitioner,

v.

JANE DAVIDSON MONTORI
Respondent.

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No. 04-10689-RGS

**MOTION TO CORRECT THE CASE CAPTION TO NAME
THE APPROPRIATE RESPONDENT**

Now comes counsel for the respondent and moves this Court to change the caption of this habeas case so as to name the petitioner's custodian as the respondent instead of the prosecutor. Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts sets forth that the state officer having custody of the applicant shall be named as the respondent. The petitioner is currently in custody at MCI- Shirley. Paul M. Verdini, not Assistant District Attorney Jane Davidson Montori, is the Superintendent of the Souza Baranowski Correctional Center. Accordingly, Paul M. Verdini's name should be substituted for Montori in the caption.

WHEREFORE, the respondent respectfully requests that this Court correct the caption to name Paul M. Verdini as the respondent.

Respectfully submitted,

THOMAS F. REILLY
Attorney General



Eva M. Badway
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200, ext. 2824
BBO # 635431

Dated: May 26, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above Motion to Correct the Case Caption to Name the Appropriate Respondent was served on Kenneth L. Hunt, *pro se*, MCI-Shirley, P.O. Box 1218, Shirley, Massachusetts 01464, by first class mail, postage prepaid, on May 26, 2004.



Eva M. Badway